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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,496	11/27/2001	Tae-Duk Kim	1594.1017	8100

21171 7590 12/04/2003

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EXAMINER

SAYOC, EMMANUEL

ART UNIT PAPER NUMBER

3746

DATE MAILED: 12/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/993,496

Applicant(s)

KIM, TAE-DUK

Examiner

Emmanuel Sayoc

Art Unit

3746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 3-5, 11-14, 19 and 22-26.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 2, 6, 8-10, 15-18, 20, 21, and 27.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


JUSTINE R. YU
PRIMARY EXAMINER

Continuation of 2. NOTE: Continuation of 10. Other: The amendment to the claims opens up new issues outside of the after-final scope of the claimed invention. The original scope of the invention was a collision detection and protection control device for a compressor where the maximum amplitude data (control data to the drive of the compressor) of the piston was reset based on data from a collision detector. The amendment of 11/14/2003 adds a limitation where the preset reference data is reset as well. The applicant's attention is drawn to the interview summary of paper 11, filed 10/1/2003, where the examiner indicated that the scope of the invention as prosecuted was related to a collision detection and protection control device for a compressor where the maximum amplitude data of the piston was reset based on data from a collision detector. Although in the interview the applicant verbally clarified what the claimed invention resets the maximum amplitude reference data, no amendments were entered at that time as not to change the after-final scope of the claimed invention - see last sentence in examiner's interview summary. The examiner cannot ascertain whether or not it was known in the art at the time the invention was made to reset preset maximum amplitude reference data in compressor collision detection devices without a supplementary prior-art search and re-opening claim prosecution.

Claim 3 is allowed and has been updated in the file.

LES

12/1/03